

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

am

Mailed: April 5, 2006

Opposition No. 91168158

Nano-Write Corporation

v.

Bio-CAM, LC

**Frances S. Wolfson, Interlocutory Attorney:**

Applicant's "Motion To Reopen Case" (filed February 1, 2006) is hereby granted as conceded. See Trademark Rule 2.127(a) and TBMP § 502.04 (2d ed. rev. 2004).

In view thereof, applicant's answer to the notice of opposition is due TWENTY DAYS from the mailing date of this order.

Trial dates, including the close of discovery, are reset as indicated below.

**DISCOVERY PERIOD TO CLOSE: July 31, 2006**

30-day testimony period for party in the position of plaintiff to close: **October 29, 2006**

30-day testimony period for party in the position of the defendant to close: **December 28, 2006**

15-day rebuttal period for party in the position of the plaintiff to close: **February 11, 2007**

**IN EACH INSTANCE,** a copy of the transcript of testimony, together with copies of documentary exhibits,

must be served on the adverse party within **thirty days** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

It is noted that Bio-CAM, LC intends to represent itself in this proceeding. While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In addition, applicant should note that Trademark Rule 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicant may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether

attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

It is recommended that applicant obtain a copy of the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice, and is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Strict compliance with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.<sup>1</sup>

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<sup>1</sup> The Trademark Trial and Appeal Board Manual of Procedure (TBMP) (Stock No. 903-022-00000-1) is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Telephone (202) 512-1800). The TBMP is also available on the World Wide Web at <http://www.uspto.gov>.